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### Administrative Appeal Decision - Finkle, Lisa

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STATE OF NEW YORK- BOARD OF PAROLE

**Administrative Appeal Decision Notice**

**Inmate Name:** Finkle, Lisa

**Facility:** Taconic Correctional Facility

**NYSID No.:** 6441492K

**Appeal Control #:** 02-151-17-B

**Dept. DIN#:** 91G0090

**Appearances:**

For the Board, the Appeals Unit

For Appellant:

Brett Dignam Esq.

Morningside Heights Legal Services

435 West 116<sup>th</sup> Street

New York, New York 10027

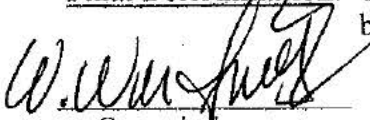
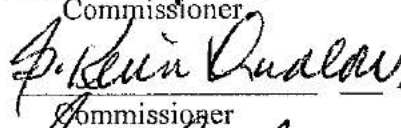
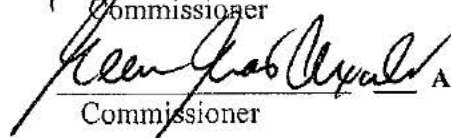
**Board Member(s) who participated in appealed from decision:** Coppola, Stanford, J. Smith

**Decision appealed from:** 2/2017-Denial of discretionary release, with imposition of 18 month hold.

**Pleadings considered:** Brief on behalf of the appellant received on May 1, 2017.  
Statement of the Appeals Unit's Findings and Recommendation

**Documents relied upon:** Presentence Investigation Report, Parole Board Report, Interview Transcript, Parole Board Release Decision (Form 9026), COMPAS, TAP/Case Plan.

**Final Determination:** The undersigned have determined that the decision from which this appeal was taken be and the same is hereby

 Commissioner	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> Modified to _____
 Commissioner	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> Modified to _____
 Commissioner	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> Modified to _____

***If the Final Determination is at variance with Findings and Recommendation of Appeals Unit, written reasons for the Parole Board's determination must be annexed hereto.***

This Final Determination, the related Statement of the Appeals Unit's Findings and the separate findings of the Parole Board, if any, were mailed to the Inmate and the Inmate's Counsel, if any, on 6/29/17 RF.

Distribution: Appeals Unit - Inmate - Inmate's Counsel - Inst. Parole File - Central File  
P-2002(B) (5/2011)

STATE OF NEW YORK - BOARD OF PAROLE

**STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION**

**Inmate Name:** Finkle, Lisa

**Facility:** Taconic Correctional Facility

**NYSID No.:** 6441492K

**Appeal Control #:** 02-151-17-B

**Dept. DIN#** 91G0090

**Findings:**

Counsel for the appellant has submitted a brief to serve as the perfected appeal. For the reason explained below, only two issues raised will be addressed.

One of appellant's claims is the Board did not receive her parole packet submitted by her lawyer.

In response, staff at the facility confirms the packet was sitting in the mail room for a lengthy period of time before the Parole Board interview, and was then delivered from the mail room after the interview had taken place. So, due to no fault of appellant, her parole packet was not considered by the Board.

Appellant's second claim is the Board considered factors outside of the scope of the statute.

In response, the transcript reveals a Board Commissioner asking appellant what should he tell families of victims, the lack of a death penalty in New York, statewide debates about penal philosophy. This clearly runs afoul of the decision in King v New York State Board of Parole, 190 A.D.2d 423 (1<sup>st</sup> Dept. 1993) affirmed 632 N.E.2d 1277 (1994). As such, a de novo interview is warranted.

**Recommendation:**

Accordingly, it is recommended the decision of the Board be vacated, and that a de novo Parole Board Release Interview in front of a different panel of Commissioners be held forthwith.